

### **REMARKS/ARGUMENTS**

Claims 4-10 are pending in this application. All pending claims are rejected. Claims 4 and 10 have been amended.

Claims 4, 6, and 8 stand rejected under 35 USC 102(b) as being anticipated by *Gocho et al* (US Patent No. 5,498,565). The rejection of claims 4, 6, and 8, as amended, is respectfully traversed for the reason that these claims now contain at least one limitation not taught in the cited reference.

Claims 4 and 8 have been amended to recite that a "rectangular-profiled portion" of the oxide layer covering the central part of the large active region is removed or etched. Clear support for this amendment is found in drawing FIG. 2D, as well as in drawings FIGS. 3A-3D, and in the corresponding specification text.

In contrast, *Gocho et al* teaches a curved profile in the etched oxide layer formed by "isotropic etching" (column 11, lines 15-16).

Claims 4 and 8 are therefore deemed to be allowable under 35 USC 102(b). Claim 6 is deemed allowable as being dependent upon base claim 4.

Claims 5 and 9 stand rejected under 35 USC 103(a) as being unpatentable over *Gocho et al* as applied to claims 4 or 8, and further in view of *Tran et al* (US Patent No. 6,046,106).

Claims 7 and 10 stand rejected under 35 USC 103(a) as being unpatentable over *Gocho et al* as applied to claims 4 or 8, and further in view of *Chen et al* (US Patent No. 5,969,425).

Claims 5, 7 and 9-10 are all deemed allowable under 35 USC 103(a) as being dependent from either allowable base claim 4 or 8.

Claims 4-10 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of US Patent No. 5,958,795. Enclosed herewith is a Terminal Disclaimer which complies with the requirements of 37 C.F.R. § 1.321(c) and the rejection of the claims under obviousness-type double patenting should be withdrawn.

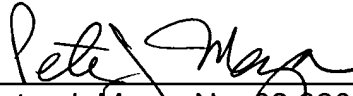
Serial No. 09/991,466  
Amdt. dated May 18, 2004  
Reply to Office Action of March 4, 2004

In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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